

REMARKS

Claims 1-17 , as amended, still remain in this application.

Both inventors and their attorney wish to express gratitude to Examiner Rivera for the courtesy extended to them at a telephone interview conducted on May 4, 2005. At the interview the Examiner expressed the reasons for rejection as being based on the fact that the claim language was sufficiently broad to read on the prior art and in particular to the Close patent. At the inventor suggestion, the claims have been amended to limit the slot that is next to the hole and between the opposed side edges and top and bottom edges to "an enclosed slot". This, obviously, distinguishes from the cited reference because 1) the cited reference does not teach a closed slot and 2) if it did include a closed slot it would defeat the purpose of the patented device. In other words the slots 15 at the top and bottom edges needs to be opened in order to receive the rope so that it can be wound around the entire structure, much like an old fashion fishing reel.

Furthermore, the series of slots that are on the side edges of the main body are limited to being tapered. The reason why this is important is because each of these slots serve to hold the rope in place so that it won't slip. The Close's structure does not teach a tapered slot. A tapered slot would not be suggested in the teachings of the cited reference because the side slot does not hold the rope as the rope is held by the winding of the rope around the central axial groove.

It is respectfully submitted that the limitations described above patentably distinguish the claimed invention over the cited reference and that these claims are believed to be allowable..

The Examiner rejected claims 1-17 (inclusive) as not complying with 35 U.S.C. 112, first and second paragraphs. In particular, the Examiner has a different interpretation of the term "intermediate". Applicant, who is his own lexicographer, suggests that the term *intermediate* means a location that is somewhere between two points and not necessarily in the middle. Hence,

the limitation *intermediate* includes "not quite halfway" as being descriptive of the preferred embodiment described in the specification. The Examiner's attention is directed to the definition of *intermediate* in *WEBSTER'S ENCYCLOPEDIA UNABRIDGED DICTIONARY* published by Gramercy Books, 1994. *Intermediate* is defined as "being....between two points...". Obviously, as claimed, the middle is not excluded. This language is clearly within the purview of the § 112 statute and that the meaning of the language is sufficiently full, clear, concise and in exact terms that would enable one skilled in this art to practice the invention. And obviously, the device described is the best mode.

Reconsideration of the rejection of claims 1-5, 7-9, 11-15 and 17 as being anticipated by Close as specified in 35 U.S.C. § 102(b) is respectfully requested. As emphasized in an earlier amendment, the slot 40 of Fig. 1 in applicants application is located between the top and bottom edges and the opposing side edges of the main body of apparatus 10. It was argued by the Attorney of record that this limitation is not shown in the cited reference and accordingly, a § 102(b) rejection was inappropriate.

To overcome the Examiner's rejection all the claims have been amended to recited the slot as being an "enclosed slot". Obviously, and as the Examiner agreed at the interview, the cited reference does not teach an enclosed slot. Also, as was alluded to by the co-inventor Schmotzer at the interview, it is believed that the Close structure would not operate if the slots were enclosed. In Close the slots are necessary to effectuate the winding end-over-end of the rope. A feature that is entirely different from the teachings of applicants. In addition all the claims have been amended to recite the feature that the side slots are tapered. The purpose of the taper is to hold the rope in each of the slots. Again, this distinguishes over the cited reference.

The Examiner read these rejected claims on Close and concluded that the slot 15 adjacent to the hole 23 of Close anticipates the slot 40 of applicants' structure. As argued above, the slot


40 is limited to being enclosed, a distinctive difference. This is more than a distinction without a difference, inasmuch as the teachings of Close would be defeated if the slots 15 were enclosed. As the Examiner intimated at the interview, the ability to wind the rope around the structure of Close would be jeopardized, if not rendered impossible. It is earnestly submitted, and as was believed to be the Examiner's opinion at the telephone interview, that these claims are not anticipated by the cited reference and this rejection should be withdrawn.

The Examiner also relied on 35 U.S.C. § 103 with respect to claims 6, 10 and 16 as being unpatentable over Close for the same reasons that were used to reject claims 1-5 and 7-9. These claims related to the feature of providing a recess to accept indicia. Patentability of these claims are not predicated on the "logo feature" per se, as the claims rise and fall as do the claims from which they depend.

In view of the foregoing, it is believed this application is in condition for allowance and the allowance thereof is respectfully requested or alternatively, the amendment should be entered as it places this application in the best form for appeal, if this course of action becomes necessary.

Respectively submitted,

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